

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-6 and 10-25 are pending.

Claims 7-12 stand rejected under 35 U.S.C. §101 as being directed to a recording medium storing nonfunctional descriptive material. Claims 7-9 have been cancelled, and claims 10-12 remain pending. Applicants respectfully traverse this art grounds of rejection.

Applicants respectfully submit that the Examiner has incorrectly characterized the recording medium as storing **nonfunctional** descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following.

In this context, “function descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a “computer readable medium having a data structure for managing reproduction of at least one still picture” as recited in independent claim 10 is a recording medium storing **functional** descriptive material.

MPEP §2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” Accordingly, because the computer readable medium recited in claim 10 includes a data structure having a data area and a management area, which provides management data for managing reproduction of data in the data area of the computer readable medium, claim 10 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 10, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Applicants further submit that the above argument equally apply to new claims 15-18 and 25.

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mishima (U.S. Publication No. 2002/0090207). Claims 7-9 have been cancelled and claims 1-6 remain pending. Applicants respectfully traverse this art grounds of rejection.

The Examiner cites to paragraph 73 of Mishima as teaching the limitations recited in claim 1. This portion of Mishima teaches synthesizing one screen during special playback from I and P pictures. However, the "special playback" is high speed playback in which multiple of the synthesized pictures

are played back to create a high speeding moving picture. The Examiner has not shown that Mishima discloses or suggests reproduction of a still picture. As such, Mishima fails to anticipate or render claim 1 obvious to one skilled in the art.

Claims 2-3, dependent on claim 1, and are patentable at least for the reasons stated above with respect to claim 1. Independent claim 4 includes similar limitations to those discussed above with respect to claim 1, and is patentable at least for the reasons discussed above with respect to claim 1. Claims 5-6, dependent on claim 4, are patentable at least for the reasons stated above with respect to claim 4.

Claims 10-14 stands rejected under 35 U.S.C. §102(e) as being anticipated by Juri (U.S. Patent No. 5,999,693). Applicants respectfully traverse this art grounds of rejection.

Juri teaches a digital video cassette recorder such as shown in Fig. 1a. The digital video cassette recorder records video data on a magnetic tape. As shown in Fig. 1b, auxiliary video data is directly associated with the main video data recorded in each video sector, and the first video auxiliary data includes a still image flag indicating whether or not a still image is present in the main video data. As shown in Fig. 1b, this still image flag is part of the first video auxiliary data that is connected to the main video data. Accordingly, the still image flag is part of a header for the main video data. Therefore, Juri cannot disclose or suggest "a management area, separated from the data area and not included in a header for the video data in the data area, storing management

data for managing reproduction of the video data, the management data indicating if the video data does not include a still picture" as recited in claim 10.

Accordingly, Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

Claims 11-12, dependent on claim 10, and are patentable at least for the reasons stated above with respect to claim 10. Independent claims 13-14 and 23, include similar limitations to some of those discussed above with respect to claim 10, and are patentable at least for the reasons discussed above with respect to those limitations of claim 10.

By this amendment, Applicants have also added new claims 15-25. As shown in Fig. 1b of Juri, the first auxiliary data is directly adjacent to the main video data. Accordingly, Juri can not disclose or suggest "a management area, separated from the data area and not directly adjacent to the data area, storing management data for managing reproduction of the video data, the management data indicating if the video data does not include a still picture" as recited in new independent claim 15.

Claims 16-18, dependent on claim 15, and are patentable at least for the reasons stated above with respect to claim 15. Independent claims 19, 21 and 24-25 include similar limitations to some of those discussed above with respect to claim 15, and are patentable at least for the reasons discussed above with respect to those limitations of claim 15. Claims 20 and 22, dependent on one

of claims 19 and 21, are patentable at least for the reasons stated above with respect to claims 19 and 21.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejections and allowance of the pending claims is respectfully requested.

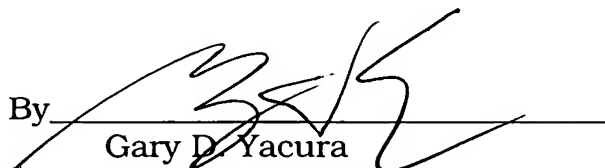
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By

A handwritten signature in black ink, appearing to read 'G. Yacura', is written over a horizontal line.

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